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TIMOTHY GARDNER

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ATTORNEYS FOR DEFENDANT  
CITY OF BERKELEY

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

TIMOTHY GARDNER,

Plaintiff,

vs.

CITY OF BERKELEY,

Defendant.

No. C10-03410 EMC

**NOTICE OF SETTLEMENT AND REQUEST  
TO VACATE TRIAL AND TRIAL-RELATED  
DEADLINES ; ORDER VACATING DATES  
AND SETTING CMC**

PLEASE TAKE NOTICE that the parties have settled the above-captioned matter and hereby

request to vacate the trial date of February 21, 2012 and all trial-related deadlines, including the February 10, 2012 Pre-Trial Conference.

Per the terms on the Settlement Agreement, the parties anticipate filing a Stipulation for Dismissal in early March 2012.

Respectfully submitted,

Dated: February 1, 2012

/s/ Kacey Gardner

Kacey Gardner

LAW OFFICES OF KACEY GARDNER

Attorney for Plaintiff TIMOTHY GARDNER

Dated: February 1, 2012

/s/ Lawrence D. Murray

Lawrence D. Murray

MURRAY & ASSOCIATES

Attorney for Plaintiff TIMOTHY GARDNER

Dated: February 1, 2012

/s/

Mark Zembsch

Deputy City Attorney

ZACH COWAN, City Attorney

SARAH REYNOSO, Assistant City Attorney

MARK J. ZEMBSCH, Deputy City Attorney

IT IS SO ORDERED that the trial and trial related dates are hereby vacated. A further CMC is set for 4/6/12 at 10:30 a.m. An updated joint CMC statement shall be filed by 3/30/12. The 4/6/12 CMC will be vacated once a stipulation for dismissal is filed.

